

that ROSARIO has a significant customer base in the Lawrence and Haverhill, MA areas, including INFANTE, VELASQUEZ, TUTO, MAGA, DOMINGUEZ, ERAZO and a male referred to as "FREDDY". Although ROSARIO and his co-conspirators typically speak in coded conversation over Target Telephones 1 and 2, I believe, based on my training and experience, my debriefing of various CWs and CIs in this case, and surveillances, that their frequent references to transporting and/or purchasing or selling "girls", "guys" and "shirts" are references to the distribution of cocaine and heroin, and their frequent references to picking up or dropping off "tickets", "chelitos" and "pesos" to pay for the "girls" and "guys" are references to drug proceeds. I believe they also alternatively use the term "pesos" to refer to a quantity of drugs, probably grams.

30. The following section describes certain conversations intercepted over Target Telephone #1 and Target Telephone #2, between ROSARIO and others concerning the distribution of narcotics and the collection of drug proceeds, along with related surveillance in response to the calls.

31. To the extent that portions of conversations have been attributed to individuals other than ROSARIO, those identifications have been made either through the interceptee's identification of himself or herself by name during the course of the conversation, available subscriber information and/or voice comparisons by contract monitors working under the direction of

agents. The intercepted conversation are virtually all in Spanish and I have relied upon trained, experienced Spanish-speaking monitors to translate the calls from Spanish to English.

32. I have not summarized every pertinent intercepted call, nor have I included every pertinent part of the call that I have summarized. Furthermore, any transcriptions of intercepted calls are preliminary and in draft form. As such, the summaries set forth in this affidavit are preliminary in nature. My opinions concerning the meaning of coded or veiled conversations are based on my training and expertise developed as a result of investigating the distribution of controlled substances.

**February 14, 2004 - Forty-Five Kilogram Shipment**

**ESPINO, ROSARIO, CASTRO**

33. On February 14, 2004, at approximately 10:01 p.m., ROSARIO placed a call from Target Telephone #1 to ESPINO at (917) 216-7500. ESPINO told ROSARIO that he had been talking to a male referred to as LUIS and had told him to "take good care of you. I told him to give you two, three or four." ROSARIO replied: "Man!" ESPINO said he had told him "a long time ago to give you five or four." ROSARIO also said that "he" said he was going to "go down there." ROSARIO replied: "he's a coward. I don't know." After they both suggested sending someone else to go "up there" and "through there," ESPINO said: "No, no, I'm going to talk to them. But supposedly forty-five people are coming. Does he know?" ROSARIO replied: "I'm not going to tell him that." ESPINO said:

"Only you and I know that. Not even Rubito that's next to me knows that those people are coming. Nobody." ROSARIO replied: "Exactly." ESPINO added: "You and I and (unintelligible) friend that has ten pesos are the only ones involved in the deal. No one else has to know. Only you and I. No one else has put in anything." ESPINO added: "I'll have victory in my hands!" He also made a reference to the money he had lost, which I believe was a reference to the \$59,635 seized from ESPINO in Texas in December 2003 when he attempted to obtain forty kilograms of cocaine. ESPINO concluded by saying: "No, I'll just send you twenty guys for right now and then in a month I'll send more guys. More than that. You understand?" ROSARIO replied: "Yes. I can get comfortable."

34. I believe that ESPINO was advising ROSARIO that forty-five kilograms of cocaine were arriving and that he was going to send ROSARIO twenty kilograms. Following this series of calls, I called down to the DEA case agents in Houston and learned that a reliable CI there who had brokered the prior attempted controlled delivery of forty kilograms of cocaine to ESPINO was, in fact, in the process of negotiating with several individuals from Miami who were planning to arrive to pick up twenty kilograms of cocaine that was part of a larger shipment sent by a source in Colombia. The CI understood that the Miami people were going to send the shipment up north. Based on the intercepted conversations, I believe that ESPINO and ROSARIO are the intended

recipients of these twenty kilograms of cocaine. As discussed in more detail below, I further believe that the reference to Luis may be to Luis CASTRO, who was with ESPINO when he was stopped in Texas in December 2003, and that ESPINO was advising ROSARIO that he had told Luis to give ROSARIO three or four kilograms of cocaine. From February 13, 2004, to the present, we have intercepted numerous calls between ROSARIO and ESPINO discussing the arrival of what I believe to be between 20 and 45 kilograms of cocaine in Texas, ESPINO and ROSARIO's efforts to raise money to fund this shipment and their arrangements for sending one or more couriers down to pay for, pick up and/or transport these drugs back to Massachusetts.

**February 15, 2004**

**ROSARIO, INFANTE, 12 Dover Street, Haverhill, MA, 62 Jackson Street, Haverhill, MA**

35. On February 15, 2004, at approximately 4:31 p.m., ROSARIO placed a call over Target Telephone #1 to "ALEX", subsequently identified as Pedro INFANTE at (508)726-4814. INFANTE told ROSARIO that: "that guy is going to come by here and leave the 'shirt' (a reference, I believe, to a quantity of drugs) so that it can be taken to that man." ROSARIO said: "Yes, yes." Minutes later, ROSARIO called INFANTE again over Target Telephone #1 and told him to "bring the shirt to take it to the man." He asked INFANTE where he was and INFANTE replied: "I'm still here by the new." ROSARIO replied: "well put aside you know

what." He added that he would be by in awhile. Based on surveillance, I believe that INFANTE's reference to being at the "new" was a reference to 62 Jackson Street where ROSARIO and INFANTE may be storing drugs. In a later call from ROSARIO to INFANTE over Target Telephone #1, ROSARIO said: "I'm going to pick up some tickets (a reference I believe to either drugs or drug proceeds). Do you want to go to twelve?" INFANTE said yes. ROSARIO added: "Yeah, the woman called me so go to twelve." (a reference, I believe, to another residence used by INFANTE located at 12 Dover Street, Haverhill, MA).

36. Shortly thereafter these calls, agents responded to the vicinity of 12 Dover Street, Haverhill, MA and observed a white Oldsmobile used by ROSARIO and registered to Isa DELORES JIMENEZ, 81 Blaisdell Street, Haverhill, MA, parked in front of the residence. Shortly after, agents observed INFANTE and a male identified as Luis ERAZO arrive in a blue BMW and walk towards the front entrance of 12 Dover Street.

**February 16, 2004**

**ROSARIO and INFANTE**

37. On February 16, 2004, at 9:45 a.m., ROSARIO placed a call over Target Telephone #1 to ALEX at (508) 726-4814 and asked him what he did the previous night. ALEX replied that : "Joe called late, it was like 10:30 and wasn't going to go to the street with that." (A reference, I believe, to not wanting to deliver drugs at that time of night). ROSARIO said: "Well try it then." ALEX said

he would try and would call ROSARIO back. Several minutes later, ROSARIO received an incoming call from ALEX who said: "Yeah, they are home. They are down there, both of them." ALEX and ROSARIO then engaged in a short discussion regarding who should meet with the men. Minutes later, ALEX called ROSARIO back at Target Telephone #1 and told him: "They already left to take the little girl. If you want to go up and come down together to look for the plate." ROSARIO agreed to this plan. I believe ALEX and ROSARIO were discussing the logistics for transferring drugs (the "little girl") to one or more of their customers.

**ROSARIO, CASTRO, INFANTE**

38. On February 16, 2004, at 2:13 p.m., ROSARIO received a call over Target Telephone #1 from CASTRO, using telephone number (603) 233-2112. CASTRO asked ROSARIO what happened to his other telephone (a reference, I believe to Target Telephone #2) and complained that ROSARIO, "left those people hanging with that." ROSARIO said he would call this guy today and get back to CASTRO. Shortly thereafter, ROSARIO received an incoming call over Target Telephone #1 from INFANTE. ROSARIO told him: "I was just talking to this guy. The one with the shirt (a reference, I believe, to a kilogram of cocaine). I haven't talked to these people. One cannot be telling them one thing for another. One cannot be taking shit to be losing money. Whenever we need it, we call him. Once we get the work we are responsible for it." ROSARIO added: "I'm not going to be walking with that up and down. If one

doesn't need it, it is better not to take it . . . ."

39. I believe that CASTRO was calling to discuss a quantity of drugs that he supplied to ROSARIO that INFANTE was in the process of selling. I believe ROSARIO was expressing his concern about being responsible for paying CASTRO for drugs they had not either been able to sell or collect payment for from one of their customers.

40. Later that day, at approximately 5:33 p.m., ROSARIO received another incoming call over Target Telephone #1 from CASTRO, who told ROSARIO: "What's happening is that they're just waiting on those tickets in order to leave." After ROSARIO asked: "(U/I) go over there?" CASTRO responded: "That's why I like to check and see who I'm dealing with. What I don't like doing is handing over something and then having to go look for it again later." I believe CASTRO was telling ROSARIO some associates were waiting for money (tickets) in payment for drugs CASTRO had supplied to ROSARIO.

#### **ROSARIO and ESPINO**

41. At 7:29 p.m., ROSARIO received an incoming call over Target Telephone #1 from ESPINO, who told ROSARIO: "I need to find those twelve pesos so that I can take it to those people I was talking to the guy there." ROSARIO asked what happened to the guy and ESPINO explained: "No, well, he stopped in Miami (U/I) they haven't called him yet. I'm waiting for him to call me. He's down there. He's not up here." ROSARIO asked: "So the

supposedly the 'guys' are here?" ESPINO replied: "Not the guys, the girls are the ones who arrived." ESPINO went on to explain that he had not given out his number to certain people yet. I believe ESPINO was asking ROSARIO for money ("twelve pesos," possibly \$12,000) to pay a drug debt.

42. I further believe that ROSARIO and ESPINO were further discussing the twenty kilogram cocaine deal that the Texas CI was expecting to offer to some people from Miami. I further believe that ESPINO and ROSARIO's use of the terms "girls, not guys" is a coded means of distinguishing between cocaine and heroin.

**February 17, 2004**

**ROSARIO, INFANTE, ERAZO**

43. On February 17, 2004, at 1:44 p.m., ROSARIO placed a call from Target Telephone #1 to INFANTE and another male named Luis ERAZO, who is often referred to in intercepted conversations as "El Menor." ERAZO joked with ROSARIO: "there are people hearing you through speakers and they know who you are" and ROSARIO asked to speak with someone who was "serious". INFANTE got on the telephone and ROSARIO asked: "what did your friend say about the girl, did he like her?" INFANTE responded: "he hasn't called me yet" and ROSARIO told INFANTE that he was "waiting to see if I make 50 pesos with that or maybe one." I believe that ROSARIO was checking the quality of the drugs that he supplied to INFANTE in order to determine whether he wanted to purchase more drugs and make more money, "50 to 100 pesos".



**DOMINGUEZ, ROSARIO**

44. At 2:40 p.m., ROSARIO called DOMINGUEZ over Target Telephone #1 and DOMINGUEZ asked ROSARIO: "How much are you getting plantains for?" Upon being told "they're at fourteen," DOMINGUEZ replied "Yeah, they're expensive." ROSARIO asked DOMINGUEZ if he could "get me eight pesos, nine, whatever you think, so, next day" (a reference, I believe, to \$8,000 or \$9,000). DOMINGUEZ told ROSARIO he would call him back. I believe the reference to "plantains" was to drugs.

**February 17, 2004 and February 18, 2004**

**ROSARIO, VELASQUEZ, MAGA, 1855 Washington Street, #5J, Roxbury, MA and JIMENEZ GROCERY**

45. On February 17, 2004 and February 18, 2004, ROSARIO, MAGA and VELASQUEZ engaged in a series of telephone calls regarding the collection of drug proceeds owed by MAGA. During the conversations on February 18, 2004, ROSARIO also asked VELASQUEZ for 200 "chelitos" which I believe was 200 grams of some drug, which VELASQUEZ delivered to ROSARIO at JIMENEZ GROCERY. ROSARIO then supplied the 200 grams to a male referred to as "PATRON".

46. At 1:56 p.m., ROSARIO received an incoming call from VELASQUEZ who stated, I just talked to this guy, but he is in Boston doing some errands (a reference, I believe to Hector MAGA). He will call later on." ROSARIO then told VELASQUEZ that

he was going to "go at five, where my friend is, the one I told you about."

47. Later that day, at 4:56 p.m., agents were conducting surveillance in the vicinity of JIMENEZ GROCERY and observed ROSARIO exit the grocery store and drive to MAGA's residence at 1855 Washington Street, Roxbury, MA, in his white Oldsmobile, MA Reg. 93ZF29. After arriving at the location, agents observed ROSARIO walk to the front of 1855 Washington St. and ring the buzzers to the building. Moments later, ROSARIO returned to the Oldsmobile and sat inside the vehicle as though he was waiting for someone. Over the next hour, agents observed ROSARIO walk up to the foyer of the building several times. On one occasion, agents observed ROSARIO bending over using his leg to write something on a piece of paper. While waiting, ROSARIO received a call from VELASQUEZ and told VELASQUEZ, "I've been waiting for an hour in Boston." VELASQUEZ stated, "that bastard's late in getting there and ROSARIO stated, "I've been here since five." About 7:11 p.m., agents observed ROSARIO drive away.

48. Later that night, at 8:44 p.m., ROSARIO received another incoming call from VELASQUEZ. ROSARIO told VELASQUEZ he left a message on the door. VELASQUEZ then asked ROSARIO whether he could, "have the tickets ready for tomorrow." ROSARIO responded: "Yeah, because that person is you know what." VELASQUEZ assured ROSARIO: "I'm sure the guy will call me tomorrow" (referring to MAGA) and ROSARIO told VELASQUEZ, "if

anything, if that happens to work out, you go ahead and get it."

49. At 4:27 p.m., on February 18, 2004, ROSARIO received an incoming call from MAGA over Target Telephone #1. MAGA told ROSARIO that he was sick for three days and had received ROSARIO's note at 5:00 that morning. MAGA ensured ROSARIO, "I will have all of your money for you by this weekend, so there won't be any problems." MAGA then told ROSARIO: "It's very important that you and I talk in person." ROSARIO told MAGA: "I thought you were sick, next time call me."

50. During a call between ROSARIO and PATRON, PATRON asked "can you get me 200 chelitos temporarily?" ROSARIO replied: "the address is the problem." PATRON asked: "How much?" and ROSARIO replied: "twenty-six, let me try the other person and see if he'll leave it to me at twenty-five" PATRON asked: "Find out and that way I can give you the chelitos." I believe PATRON was asking ROSARIO to obtain 200 grams of cocaine, and that ROSARIO was advising him that one person was charging "26,000" per kilogram, but he was going to see if he could purchase it from someone else for \$25,000.

51. At 6:25 p.m., ROSARIO placed a call to VELASQUEZ and told him: "I'm calling you because I got in touch with our guy. He was sick and at another house." ROSARIO then asked VELASQUEZ, ". . .I'm also calling you to tell you that there's a person that wants '200 pesos' and wants to know if you can do it for less

than twenty-five and a half?" VELASQUEZ said he could not. ROSARIO said he would call his guy and get back to VELASQUEZ. ROSARIO then called PATRON and explained that he was having difficulty with someone but had found another guy offering to sell to them for "26." PATRON agreed to this price. ROSARIO then called VELASQUEZ back and asked him to come by "with 200 pesos."

52. About 45 minutes later, agents conducting surveillance in the vicinity of JIMENEZ GROCERY observed a Honda Accord registered to LORENZO VELASQUEZ arrive and park outside the store. Agents then observed the male exit the vehicle and enter the store. Because it was dark out, agents could not positively identify the male due to the limited light. About two minutes later, agents observed the same male exit the store and depart in the Honda (we have since seen VELASQUEZ driving the same Honda Accord). I believe that VELASQUEZ was dropping off drugs at JIMENEZ grocery which ROSARIO was going to sell to PATRON.

**February 19, 2004**

**INFANTE, ROSARIO, 81 Blaisdell Street, Haverhill, MA and 62 Jackson Street #1, Haverhill, MA**

53. At approximately 5:56 p.m., ROSARIO placed a call to INFANTE at (508) 726-4814. INFANTE told ROSARIO to stop at ROSARIO's house and bring him some "chelitos," (a reference, I believe to either drugs or money) and for ROSARIO to meet him at the "new".

54. Shortly thereafter, at 6:05 p.m., agents observed ROSARIO drive in his white Oldsmobile from Jimenez Grocery to 81 Blaisdell St. Agents observed ROSARIO exit the car and enter the residence. At approximately 6:27 p.m., agents observed ROSARIO enter the Oldsmobile and travel to 62 Jackson Street, Haverhill, MA. A little over an hour later, at 7:36 p.m., agents observed ROSARIO depart 62 Jackson Street in the Oldsmobile. I believe that ROSARIO stopped at 81 Blaisdell Street to pick up either drugs or money, which he delivered to INFANTE at the location they refer to in coded terms as "the new", 62 Jackson Street #1, Haverhill, MA.

**February 20, 2004**

**VELASQUEZ, ROSARIO, JIMENEZ GROCERY**

55. On February 20, 2004, ROSARIO received an incoming call from JIMENEZ using (978)681-5394, the hard line telephone at JIMENEZ GROCERY. JIMENEZ told ROSARIO that "PATRON" came over and left "one hundred pesos". I believe this was payment for the 200 grams of an unknown drug that ROSARIO received from VELASQUEZ on March 18, 2004 and supplied to PATRON.

56. At approximately 4:10 p.m., surveillance was established on JIMENEZ GROCERY at 112 Parker St. Lawrence, MA. At approximately 4:30 p.m., agents observed a 1991 blue Honda Accord bearing MA reg. 60TZ09, registered to Lorenzo VELASQUEZ at 38 Essex St. S. Lawrence, MA, parked in front of JIMENEZ GROCERY, unoccupied. At approximately 4:42 p.m., agents observed a male

fitting the description of VELASQUEZ exit JIMENEZ GROCERY wearing a waist length leather coat and a baseball cap. Agents observed the male enter the Honda Accord and drive away. Agents followed the Honda to 187-189 Sanborn St, Lawrence, MA and observed it park at the edge of the driveway. I believe VELASQUEZ went to JIMENEZ GROCERY to pick up the "100 pesos" that PATRON had dropped off for the drugs, which he supplied to ROSARIO the day before, and then brought the currency back to his residence at 187-189 Sanborn Street, Lawrence, MA.

57. At 6:29 p.m., ROSARIO received a call from Isa JIMENEZ, who advised him that the "guards," not the "regular guards," were parked across the street from the store. ROSARIO told her to shut the store. At this time, agents were still conducting surveillance outside of JIMENEZ GROCERY. I believe that JIMENEZ observed the agent's surveillance and called ROSARIO to alert him to the fact.

**February 22, 2004**

**DOMINGUEZ, ROSARIO**

58. On February 22, 2004, at approximately 2:56 p.m., ROSARIO received a call from DOMINGUEZ using (978) 853-8628, subscribed to Anselmo DOMINGUEZ, 82 Temple Street, Haverhill, MA. During the call, ROSARIO asked DOMINGUEZ if he could get "six or seven pesos" and, in return, ROSARIO would give DOMINGUEZ the same "recipe" for a week. DOMINGUEZ then told ROSARIO that he needed to call a third party. I believe that ROSARIO was

attempting to collect a drug debt from DOMINGUEZ and was asking for \$6,000 to \$7,000. I further believe that ROSARIO was telling DOMINGUEZ that he would supply him with additional drugs if DOMINGUEZ paid the debt.

**February 23, 2004**

**ROSARIO, MAGA, 1855 Washington Street #5J, Roxbury, MA**

59. On February 23, 2004, ROSARIO placed a call to (617) 442-5856 and spoke with "HECTOR", whom I believe is MAGA. ROSARIO said: "I forgot to tell you, go do that errand so that we can buy a whole pizza." MAGA agreed. I believe ROSARIO was asking MAGA to pick up some money so that they could purchase another quantity of drugs. Later that evening, agents observed Hector MAGA arrive at JIMENEZ GROCERY and depart in a Ford Expedition, registered to MAGA at 1855 Washington Street #5J, Roxbury, MA, the same address as the subscriber to Hector telephone.

**ROSARIO, ESPINO, CASTRO**

60. On the same day, February 23, 2004, ROSARIO received an incoming call from (917) 216-7500 and spoke with ESPINO. ESPINO stated that he was talking with the people that would send Luis (a reference, I believe, to CASTRO) and told them that ROSARIO had a person that could go "down there." ESPINO asked who the person was and ROSARIO stated: "a good person". ESPINO added: "No, he wants to know if someone knows him because a lot of weird things have happened around here." ROSARIO assured him "it's a

really good person". ESPINO stated that he told me that he wants to get someone for that, then he told me to call you and then to call him back." ROSARIO stated he was going to call the person right away and would call ESPINO back as soon as he did. Two minutes later, ROSARIO received another incoming call from ESPINO and asked ESPINO: "and why don't you do that with Luis?" ESPINO responded: "Because Luis doesn't even go that way and Luis goes with other people." ROSARIO asked ESPINO why he didn't talk to Luis and see if he would make "a special trip for you." ESPINO said he would ask him. ESPINO went on to explain in somewhat coded conversation certain problems he had with Luis in the past. I believe that Luis is a reference to CASTRO.

61. ROSARIO received another incoming call from ESPINO later that day. ROSARIO asked ESPINO why he didn't talk to Luis "and see if he'll make a special trip for you." ESPINO said he would ask him. ESPINO continued to discuss, in coded terms, some issues he had with Luis and the other people. At one point Rosario said "then don't tell him (referring to Luis) anything." ESPINO responded: "No, no because that's why, because Luis already did that to me. When stuff came in, that I sent you, this guy told me, for the 22 to me (a reference, I believe to \$22,000 per kilogram of cocaine). Then he came over and said no to him, they know him better than me, do you understand?" ESPINO continued: "So then Luis went and told him you that I'll take let me in on it too and this and that." At one point, ROSARIO



stated: "the other day he (Luis) gave me a 'girl.'" ESPINO replied: "Yeah. He told me. He always calls me." I believe the reference to a girl was to a quantity of drugs that CASTRO delivered to ROSARIO.

62. During another call from ESPINO to ROSARIO that night, ROSARIO asked ESPINO if he had "the car to go to the Bronx." ESPINO said no and ROSARIO asked: "Oh, the person has to look for a car here?" ESPINO replied: "yes, (unintelligible) with everything." ROSARIO also asked whether Luis wanted to do anything "over there" and ESPINO explained that on some prior occasion Luis had difficulty dealing with the individuals from whom I believe ESPINO and Luis are intending to pick up drugs. They then had a discussion about possibly sending other "good people." ESPINO indicated that "Papucho supposedly has some people there" and ROSARIO agreed, stating: "Yes, Papucho knows all those people, he knows people that I know. I know that." ROSARIO advised ESPINO to talk with Papucho and ESPINO agreed to talk to him right away. I believe that ROSARIO and ESPINO were discussing who should be sent down to pick up a shipment of drugs and were discussing obtaining a car with a hide to transport drugs.

**VELASQUEZ, ROSARIO, JIMENEZ GROCERY**

63. At approximately 6:41 p.m., ROSARIO placed a call to VELASQUEZ at (978) 590-1716, subscribed to Lorenzo VELASQUEZ, 38 Essex Street, Haverhill, MA. During the call, ROSARIO told

VELASQUEZ to come down. Less than an hour later, at approximately 7:32 p.m., agents observed a dark colored Honda (MA Reg. 60TZ09), registered to Lorenzo VELASQUEZ arrive and park in front of JIMENEZ GROCERY. Agents observed VELASQUEZ exit the vehicle and enter the store. After a few minutes, agents observed VELASQUEZ exit the store and depart in the Honda. Agents followed VELASQUEZ to 187-189 Sanborn Street, Haverhill, MA.

**TUTO, ROSARIO, 73 East Haverhill Street #2A, Lawrence, MA**

64. At approximately 7:17 p.m., ROSARIO placed a call to a male referred to as "TUTO" at (978) 682-6409, a residential telephone subscribed to Jose GARABITO and installed at 73 East Haverhill Street #2A, Lawrence, MA. During the call, "TUTO" told ROSARIO that he gave "that thing" to the kid in front, and ROSARIO stated, "that's fine". TUTO then told ROSARIO that he had to give back "400 pesos" for that "other" (a reference, I believe, to a quantity of drugs that was returned because it was of poor quality). TUTO then stated: "people are hungry" (referring, I believe to people needing drugs) and asked ROSARIO, "do you have anyone that can?" ROSARIO stated, "no, not with that." ROSARIO stated that he was going to go by in a little while and TUTO told ROSARIO to call him when he came down. TUTO stated that he wanted to talk to ROSARIO about BATISTA, who had told him that he was going to resolve his "medication issue". (A male referred to as BATISTA has also been intercepted over Target

Telephone #1 talking with ROSARIO about the delivery of some type of drug and the collection of drug proceeds.) Less than half an hour later, at approximately 7:43 p.m., agents observed ROSARIO exit JIMENEZ GROCERY and depart in his white Oldsmobile. Agents followed ROSARIO to the vicinity of 73 East Haverhill Street, Lawrence, MA and observed a Hispanic male enter the passenger side of ROSARIO's white Oldsmobile. Agents then observed the Oldsmobile depart the area with the two males. About 17 minutes later, at 8:00 p.m., agents observed ROSARIO's White Oldsmobile arrive back and pull over near 73 East Haverhill Street and observed the aforementioned Hispanic male exit the car and walk towards 73 East Haverhill Street, Lawrence, MA. I believe ROSARIO engaged in a drug-related transaction during the trip.

**February 24, 2004**

**TUTO, ROSARIO**

65. On February 24, 2004, ROSARIO placed a call from Target Telephone # 1 to (978) 994-6189. Agents intercepted a conversation between TUTO, who was with ROSARIO, and an unknown male referred to as Marino. TUTO stated: "tell your friend that buys things that I have a friend that has something the way we like." He added: "tell him that is good, no like before. Some good people." Marino asked: "at the same, or different?" TUTO replied: "different." Marino asked: "the numbers." TUTO replied: "22, the same, I'll leave it to you at 8. I'm going home. Call me in twenty minutes." Marino asked: "about the others, did you

solve something?" TUTO stated that he hadn't done anything yet. Marino said that he would call his people. TUTO concluded: "tell them that it is what used to have before, what it used to come from New York, so they can come down again, that bad stuff is not coming out again." I believe that TUTO and ROSARIO were offering Marino drugs of the better quality from New York than drugs that he had apparently received in the past. I further believe that the references to "22" and "8" are to prices for quantities of drugs.

**February 25, 2004**

**ROSARIO, DOMINGUEZ**

66. On February 25, 2004, ROSARIO engaged in a series of calls with "FREDDY" and "DOMINGUEZ", for the purpose, I believe, of collecting drug proceeds from "FREDDY" and possibly supplying him with additional drugs. I further believe that DOMINGUEZ is coordinating the deals between FREDDY and DOMINGUEZ. At approximately 3:42 p.m., Rosario placed a call to (978) 853-8628 and spoke to DOMINGUEZ, who asked: "Are you going to Freddy yet or not?" ROSARIO said he was waiting for his call first. DOMINGUEZ stated: "I already talked to him and I told him that you were going to go by, call him, try to coordinate how you guys are going to do because I already told him that you were going there." DOMINGUEZ added: "I already talked to Luis and I already told him about that. I already told him that he needs to give you seven and if he doesn't have enough, call me back to take care of